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Attorney's Docket No.: 10200-007002  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : David J. Luneau  
Serial No. : 10/042,686  
Filed : March 14, 2000  
Title : CALLING PARTY ANNOUNCEMENT APPARATUS

Art Unit : 2682  
Examiner : Lee Nguyen

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Technology Center 2600

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE

In response to the Office Action dated June 14, 2004, Applicant submits the following remarks.

Claims 18-51, 54, and 59

Independent claims 18 and 42, and their respective dependent claims 19-41 and 43-51, stand rejected under 35 U.S.C. §112 for alleged failure to comply with the written description and enablement requirements.

These two rejections turn entirely on a single issue of claim construction that the Examiner contends is common to independent claims 18 and 42. Applicant respectfully submits that, as explained in detail below, the Examiner's construction of these two claims is incorrect. These claims do not, as the Examiner states at page 3 of the Action, "require that the audio announce circuit 30 (fig 1 of the present application) performs both processing voice signals of the caller and producing of audio using the audio transducer of the identity information at the called station."

These claims simply state that the same audio *transducer* (not the same audio announcing *circuit*) is used both (1) to announce the identity information and (2) to reproduce the voice signals from the calling party. The claims do not require that the voice signals be

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processed by the audio announcing circuit. In fact, as explained further below, claim 42 is a method claim, and does not even recite an audio announcing circuit.

To the contrary, the preambles of both claims 18 and 42 clearly state that the voice signals (e.g., the voice of the calling party) are processed by the called telephone: “the voice signals are processed *by the called telephone* to produce audio using an audio transducer at the called station.” (Emphasis added.) The processed voice signals are then made audible by using an audio transducer. The audio transducer can be anywhere at the called station, and need not be a part of the called telephone (but certainly can be).

In claim 18, the audio announcing circuit recites only two functions: (1) it is “operatively connected to the processing unit to receive identity information therefrom,” and (2) it is “operative to use the identity information to produce audio using the audio transducer at the called station.” Nowhere does claim 18 state, as the Examiner concludes, that the audio announcing circuit “performs … processing voice signals of the caller.” While the audio announcing circuit could be part of the called telephone, or could even be provisioned to process voice signals, neither of these things are *required* by claim 18. Given that claim 18 does not require these features, Applicant respectfully submits that the written description and enablement rejections of this claim and its dependent claims, and of dependent claim 54, are thus traversed.

As to claim 42, this claim is a method claim, and does not even recite an audio announcing circuit, let alone state that such a circuit processes voice signals. One method step in claim 42 is “processing the caller identification data to provide identity information associated with the caller identification data.” The claim does not require that this processing be done at any particular location in the telephone system, or require that it be done by an audio announcing circuit. The same comments are true with regard to the next step: “using the identity information to produce audio using the audio transducer at the called station.” Again, all that this last claim element recites is that the audio transducer is somewhere at the called station. Because there is no requirement in claim 42 audio announcing circuit “performs … processing voice signals of the caller,” the written description and enablement rejections of this claim and its dependent claims, and of dependent claim 59, are also respectfully thus traversed.